

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-155996-001 SE

06/28/2010

COMMISSIONER STEVEN P. LYNCH

CLERK OF THE COURT

S.M. Perez

Deputy

STATE OF ARIZONA

REBEKAH BELL

v.

BENITO GIL-MENDOZA (001)

DOB: 03/21/1978

KAREN JOLLEY

APO-SENTENCINGS-SE

APPEALS-CCC

AZ DOC

CITS - SE SPANISH

DISPOSITION CLERK-CSC

RFR

VICTIM SERVICES DIV-CA-SE

SENTENCE - IMPRISONMENT AND PROBATION

11:11 a.m.

Courtroom CCB 1001

State's Attorney: Rebekah Bell

Defendant's Attorney: Karen Jolley

Defendant: Present

Interpreter: Lindsay Gabriella Lindsay-Hall

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Count(s) 1 and 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: Aggravated Assault
Class 3 Dangerous Felony

A.R.S. § 13-1204(A)(2), (B), 13-1203(A)(1), 28-3304, 28-3305, 28-3315, 13-604, 13-610, 13-701, 13-702, 13-702.01, and 13-801

Date of Offense: August 24, 2009

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 2: Leaving the Scene of a Serious Injury Accident
Class 2 Felony

A.R.S. § 28-661, 28-663, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702, 13-702.01, and 13-801

Date of Offense: August 24, 2009

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 10 year(s) from June 28, 2010
Presentence Incarceration Credit: 307 day(s)
Aggravated

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 2.

In the event the Defendant is released by the Department of Corrections on a temporary release basis pursuant to A.R.S. §31-233, and a term of Community Supervision has been waived pursuant to A.R.S. §13-603(K), the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 2 Probation Term: 5 Years

Upon absolute discharge from prison for a separate offense in Count 1.

Conditions of probation include the following:

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Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month.

ASSESSMENTS:

Count 2: PROBATION SURCHARGE: \$20.00.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Payment to commence on a date to be determined by the Adult Probation Department and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

The Court retains jurisdiction for any future restitution hearings.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: The Defendant waives his presence for any future restitution hearings that may be held.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 18 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

Condition 20 - Not remain in or return to the United States illegally if deported or processed through voluntary departure.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Allegation of aggravating circumstances other than prior convictions.

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Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 2: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The Court is informed that the convicted person is an alien or suspected alien and that a staff member with the Adult Probation Department has conducted the requisite electronic inquiry as to the person's citizenship status and has informed the Court of those findings.

11:18 a.m. Matter concludes.

ISSUED: Order of Confinement - Certified Copy to DOC via Certification Desk

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER STEVEN P. LYNCH
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)